

GOVERNMENT OF ANDHRA PRADESH

**ABSTRACT**

Public Servants – Agricultural Marketing Department – Departmental proceedings initiated against Sri K.K.A.S.Sarma, Ex-Secretary Grade-II, A.M.C., Guntur and Retired Secretary Grade-II, AMC, Attili, West Godavari District for certain allegations of irregularities in sanction of R.B.P.loans to (13) farmers on bogus certificates in A.M.C. Guntur – Penalty awarded - A.P. Administrative Tribunal orders dt.15-02-2012 in O.A.No.7425/2010 – Reduced the Penalty Orders – Issued.

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AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.Rt.No. 419

Dated:17-04-2012

Read the following:-

1. Procs.No.DC(2)302/2003, dt.06-11-2003 of C&DOM, Hyd.
2. Procs.No.302/2003, dt.11-06-2004 of C&DOM, Hyderabad.
3. From Sri K.K.A.S.Sarma, Secretary Grade-II, Appeal Petition, dt.07-08-2004.
4. Govt.Memo No.12656/Vig.II(1)2004-4, dt.31-01-2006.
5. From APAT order dt.20-08-2008 in O.A.No.1504/2006 filed by Sri K.K.A.S.Sarma, Secretary Grade-II
6. From Sri K.K.A.S.Sarma, Secretary Grade-II(Retired), Representation, dt.24-08-2008.
7. GORt.No.1411, Agri. & Coop.(Vig.II)Dept., dt.06-10-2010.
8. From APAT order dt.15-02-2012 in O.A.No.7425/2010 filed by Sri K.K.A.S.Sarma, Secretary Grade-II(Retired)

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**ORDER:**

In a disciplinary case, on the alleged irregularities in sanction of R.B.P. loans to (13) farmers on bogus certificates in A.M.C. Guntur, the Commissioner & Director of Agricultural Marketing, Hyderabad had initiated disciplinary proceedings by framing article of charge against Sri K.K.A.S.Sarma, Ex-Secretary Grade-II, A.M.C., Guntur and concluded the disciplinary proceedings by imposing a penalty of "Stoppage of two annual grade increments without cumulative effect" against him vide references 1<sup>st</sup> & 2<sup>nd</sup> read above, respectively.

2. Aggrieved by the above penalty, Sri K.K.A.S.Sarma, Secretary Grade-II has filed Appeal Petition dt.7-8-2004 before Government. Sri K.K.A.S.Sarma, Secretary Grade-II, in his further representation dt.4-10-2004, has submitted that he was satisfying the punishment issued by the Commissioner & Director of Agricultural Marketing and therefore, he has requested to withdraw his appeal petition, accordingly.

3. Government, after careful examination of the entire matter, have decided to review the case in exercise of powers under Section 27 and 27A of A.P.Markets Act, 1966. Accordingly, Show Cause Notice was issued against Sri K.K.A.S.Sarma, Secretary Grade-II with a direction to show cause as to why the penalty commensurate with the gravity of the charge proved against him should not be imposed vide reference 4<sup>th</sup> read above.

4. Aggrieved by the above Show Cause Notice, Sri K.K.A.S.Sarma, Secretary Grade-II has filed O.A.No.No.1504/2004 before A.P. Administrative Tribunal and obtained stay orders dt.14-03-2006 of all further proceedings. The individual was retired from service on attaining the age of superannuation w.e.f. 31-08-2007.

5. The A.P. Administrative Tribunal, in its judgment dt.20-08-2008, in the above O.A.No.1504/2006 have ordered as follows:-

*".....in these circumstances, this O.A. is disposed of permitting the applicant to submit a detailed explanation to the impugned show cause notice within a period of two weeks from today. If, the explanation of the applicant is not received within two weeks from today as directed, the 1<sup>st</sup> respondent shall consider the same and pass final orders in accordance with Law".*

6. In the light of the orders dt.20-08-2008 of the A.P. Administrative Tribunal, Sri K.K.A.S.Sarma, Secretary Grade-II(Retired) has submitted a representation dt.24-08-2008 to the Show Cause Notice dt.31-01-2006 and requested to drop the show cause notice and issue necessary directions for release of his terminal benefits.

(PTO)

7. Government, after following due procedure, in the reference 7<sup>th</sup> read above, have imposed a penalty of withholding of 50% pension permanently against Sri K.K.A.S.Sarma, Secretary Grade-II(Retired) under Rule 9 of A.P.Revised Pension Rules, 1980 duly cancelling the penalty of withholding of two annual grade increments without cumulative effect against him awarded by Director of Marketing, Hyderabad vide reference 2<sup>nd</sup> read above, in the above disciplinary case.

8. Aggrieved by the above penalty, Sri K.K.A.S.Sarma, Secretary Grade-II(Retired) has filed O.A.No.No.7425/2010 before A.P. Administrative Tribunal. The Hon'ble Tribunal in its judgment dt.15-02-2012 in O.A.No.7425/2010, have ordered as follows:-

*".....from the enquiry report that the Selection Grade Secretary, AMC, Guntur vide office No.703/2001, dt.31-12-2001, allotted the work of issue of Ryot Bandhu Pathakam Cards, loans, verification of stock, etc. to the applicant. Later the work of issue of Ryot Bandhu Pathakam cards was allotted to Sri H. Vinaybhushanam, Secretary Grade-II. Vide office order No.RBP/2003, dt.17-04-2003. Because of distribution of work between the two secretaries, the applicant was not entrusted the work of issue of Rythu Bandhyu Pathakam cards. Therefore, the applicant cannot be held liable for issue of the cards. However, as a abundant precaution, the applicant should have verified the Pattadar Passbooks also before sanction of loans. Therefore, the punishment of stoppage of two annual grade increments against the applicant was for the act of negligence committed by him. But the review of this punishment and the revised punishment of withholding of 50% pension permanently against the applicant, after his retirement, is totally disproportionate and unjust". Therefore, the impugned order is set aside and the respondents are directed to pay full pension to the applicant as per the rules with all consequential benefits. The O.A. is accordingly, allowed".*

9. Keeping in view of the judgment dt.15-02-2012 of the A.P.Administrative Tribunal in the O.A.No.7425/2010 and after careful examination of the entire matter yet again, Government have decided to reduce the penalty of "Withholding of 50% pension permanently" to that of "Withholding of 5% pension for a period of one year" against Sri K.K.A.S.Sarma, Secretary Grade-II(Retired), in the above disciplinary case.

10. As such, Government hereby order to reduce the penalty of "Withholding of 50% pension permanently" to that of "Withholding of 5% pension for a period of one year" against Sri K.K.A.S.Sarma, Secretary Grade-II(Retired), in the above disciplinary case.

11. The Commissioner & Director of Agricultural Marketing, A.P., Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**I.Y.R. KRISHNA RAO**  
**SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To  
Sri K.K.A.S.Sarma, Secretary Grade-II(Retired), A.M.C.  
(Through: The Commissioner & Director of Agricultural Marketing, Hyderabad)

Copy to:-  
The Commissioner & Director of Agricultural Marketing, A.P., Hyderabad.  
Sc/Sf.

**// FORWARDED :: BY ORDER //**

**SECTION OFFICER**